

In the Court of Appeals of the State of Alaska

Raymond C Katchatag,
Appellant,

v.

State of Alaska,
Appellee.

Court of Appeals No. **A-13311**

Order

Date of Order: **9/1/2021**

Trial Court Case No. **3AN-16-09226CI**

The Office of Public Advocacy currently represents the Appellant, Raymond Charles Katchatag, in this appeal. This appeal arises from the superior court's summary dismissal of Mr. Katchatag's application for post-conviction relief.

Although the briefing in this appeal was completed in May 2021, Mr. Katchatag recently requested that he be allowed to file a supplemental reply brief. Mr. Katchatag explains that his appellate attorney did not address in the reply brief the issues Mr. Katchatag raised in his PCR application — in particular, his allegations that he had newly discovered evidence, that his criminal trial attorney had been ineffective, and that Mr. Katchatag should have been allowed to withdraw his plea of guilty or no contest to correct a manifest injustice.

But because Mr. Katchatag's PCR application was dismissed on the pleadings, the issue in this appeal is extremely narrow; this Court will only determine whether the superior court erred when it dismissed Mr. Katchatag's application on the pleadings. Consequently, the issues that Mr. Katchatag is asking to raise in a supplemental reply brief are not relevant to the resolution of this appeal, nor is this Court allowed to consider them. If Mr. Katchatag prevails in this appeal — that is, if this Court rules that the superior court erred when it dismissed Mr. Katchatag's application on the

pleadings — then Mr. Katchatag will have another opportunity to litigate in the superior court the issues he is asking to address in his proposed supplemental reply brief. If Mr. Katchatag does not prevail in this appeal and he is unhappy with his attorney's representation, he may challenge his attorney's representation in this appeal by filing an appropriate application for post-conviction relief in the superior court.

In addition, under the appellate rules, an appellant is not allowed to raise new contentions or issues in a reply brief, as Mr. Katchatag is attempting to do, unless the appellant can show good cause to do so. *See* Appellate Rule 212(c)(3). In light of the extremely limited claim of error in this appeal, Mr. Katchatag cannot show good cause to justify filing a supplemental reply brief raising new contentions or issues.

For the above reasons, Mr. Katchatag's *pro se* motion to file a supplemental reply brief is **DENIED**.

Entered under the authority of Chief Judge Allard.

Clerk of the Appellate Courts


Julie Kentch, Deputy Clerk

cc: Raymond Katchatag at Spring Creek Correctional Center

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